



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

JDB:JAG  
F.#2005R00060

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Brooklyn, New York 11201*

April 18, 2008

VIA ELECTRONIC FILING

The Honorable Nicholas G. Garaufis  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Basciano, et al.  
Criminal Docket No. 05-060 (NGG)

Dear Judge Garaufis:

We write to inform the Court, and the defendants, that yesterday a grand jury sitting in the Eastern District of New York returned a ninth superseding indictment (S-9) in the above-referenced matter. This new indictment does not include any additional counts. It does, however, include a new racketeering act, namely a charge against the defendant Anthony Indelicato that, in or about and between January 2000 and July 2001, he conspired to distribute, and to possess with intent to distribute, marijuana. Aside from typographical corrections and the renumbering of certain counts, predicates, and paragraphs, the other changes are as follows:

- Racketeering acts 10 and 11, both of which charged the defendant Anthony Aiello with robbery conspiracy, have been eliminated.
- The approximate date of the murder of Randolph Pizzolo has been changed from December 1, 2004, to November 30, 2004. (The government has previously disclosed that Pizzolo's body was found on December 1.)

The government also sought to eliminate the defendant Vincent Basciano from racketeering act 9 and count 17, both of which charged him and Aiello with illegal gambling, because Basciano was recently convicted of this conduct in United States v. Basciano, 03 CR 929 (NGG). In making that change, however,

the government inadvertently deleted Aiello from those charges as well (in fact the entire relevant paragraphs were accidentally omitted from S-9). To correct this error, the government intends to return to the grand jury on Thursday, May 1 (S-10).

The government understands that the Court is prepared to arraign the defendants with respect to S-9 during the upcoming April 28 status conference. If the Court is so inclined, and if in fact the grand jury returns S-10 on Thursday, the defendants' arraignment as to S-10 could be held at the start of the May 2 oral argument.

Respectfully submitted,

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cc: All Defense Counsel (via ECF)